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LETTER DATED 9 AUGUST 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 8 August 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the constant difficulties and obstacles being raised by the United States and the United Kingdom to the proper implementation of Security Council resolution 986 (1995) and the memorandum of understanding. In his letter, the Minister urges you to intervene with a view to ensuring the approval of all the contract applications placed on hold and the others that still await approval.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

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Annex

Letter dated 8 August 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

As we begin the second phase in the implementation of the memorandum of understanding of 20 May 1996 between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995), I should like to express the hope that the procedures to be followed in implementing this phase will in practice stem from the provisions of the memorandum of understanding and from the declared humanitarian objective of the resolution. The new phase should thus be implemented expeditiously and within the six-month period laid down for the delivery of goods to Iraq under the second distribution plan. You have no doubt noted that, even after the submission of your report to the Security Council of 2 June 1997 (S/1997/419), two of the members of the Security Council Committee established by resolution 661 (1990), namely the United States and the United Kingdom, are continuing to raise numerous difficulties and obstacles to the proper implementation of the provisions of the memorandum of understanding by impeding the approval of contract applications for the purchase of food, medicines and other basic humanitarian requirements. In doing so, these two countries adduce flimsy pretexts that are entirely at variance with the letter and spirit of the memorandum of understanding and of Security Council resolutions 986 (1995) and 1111 (1997).

While the two resolutions in question and the provisions of the memorandum of understanding have the goal of mitigating the adverse impact of the embargo imposed on Iraq, the actions taken by the United States and the United Kingdom in the 661 Committee with respect to contract applications are totally incompatible with this objective.

Although two months have elapsed since the first period for the implementation of the procurement and distribution plan expired, the secretariat of the 661 Committee still has 142 contract applications valued at some 87 million United States dollars that have been placed on hold. The Committee has thus far been unable to approve these applications because of the flimsy and illogical reasons the representatives of the United States and the United Kingdom continue to advance. I can mention as examples of this: (a) a need for information concerning the end-user; (b) a need for detailed information concerning the specifications of the requested item; (c) a need for clarifications concerning point of entry; (d) the inclusion of free merchandise under contracts for pharmaceuticals; and (e) a need for information on modalities for the monitoring of items in Iraq.

The Committee secretariat also still has 60 contract applications, valued at some 18 million United States dollars, that it has yet to prepare for circulation to Committee members. The Americans have rejected 15 contracts valued at some 70 million United States dollars. The most recent case, contract No. 768 for the purchase from France of 100 ambulances, was rejected by the United States on the grounds that the quantities were excessive.

No sound logic can accept such a flimsy pretext, particularly when the international standards governing the utilization of ambulances require one ambulance for every 10,000 people and the total requested by Iraq under the first procurement and distribution plan is 200, meaning one ambulance for every 100,000 Iraqis. It should be noted that the number of 200 ambulances was determined in consultation with the office of the World Health Organization (WHO) in Baghdad. Any fair-minded person who considers the very difficult health situation in Iraq, a situation confirmed by the Director-General of WHO in his recent report on a field visit to Iraq, can only reach one logical and realistic conclusion. It is that even if the international standards for the provision of ambulances were to be applied, that is to say one ambulance for every 10,000 people, that would not suffice to meet Iraq's real needs. So how can it be said that the quantities requested are excessive? Two hundred ambulances represent only 10 per cent of Iraq's real need.

The contract applications blocked by the United States include those numbered 411 and 482, which are for the importation of tyres and batteries for the trucks to be used to transport foodstuffs under the procurement and distribution plan.

One is entitled to ask whether the United States, which rejected the contract applications I have been citing merely by way of example, is capable of finding a substitute for ambulances as emergency transportation for patients or a substitute for tyres and batteries in the operation of trucks, so that Iraq may obtain such substitutes in order to meet the pressing humanitarian needs of its people.

In rejecting the aforesaid contract applications, the United States uses groundless pretexts and alleges that the vehicles and trucks in question may be used for other purposes. Such conduct on the part of the United States can only be characterized as indifference arising out of a sense of frustration and as lack of respect for the United Nations and, in particular, for WHO. We do not exaggerate when we say this, because the United States has also rejected a contract for the purchase of Vietnamese rice (contract No. 20), a contract for the purchase of Jordanian cooking oil (contract No. 24) and contracts for the purchase of detergent and soap from Jordan (contracts Nos. 25 and 26). Are these foodstuffs and cleaning materials also dual-use items? These obvious pretexts provide clear and irrefutable evidence of premeditated bad faith and of the exploitation of this humanitarian issue for political purposes that have become evident to all.

It is more than ever essential that the 661 Committee should implement the agreement reached with Iraq in good faith and that the representatives of the United States and the United Kingdom should desist from conduct based on narrow political considerations that are incompatible with all humanitarian concepts and with the provisions of resolution 986 (1995) and the memorandum of understanding.

I hope that, in your capacity as sponsor of the memorandum of understanding, you will intervene with the 661 Committee so that decisions may be reached as quickly as possible on the 142 contract applications that are still on hold in the Committee, on the approval of all the other applications

that remain in the possession of the Committee's secretariat without any measures having thus far been taken in their regard, and on the approval of the contract applications that are being submitted by Iraq to replace those blocked by the United States without any real justification, so that all the sums that remain to Iraq may be spent. I also hope that you will once again remind the Security Council of the painful consequences that obstruction of the approval of contract applications may have for progress in the implementation of the memorandum of understanding and of the unwarranted delay thus caused to the distribution of humanitarian supplies to the Iraqi people.

I further hope that you will urge the 661 Committee to conduct a professional and objective review of the manner in which the first phase under the memorandum of understanding was implemented with a view to avoiding all of its negative aspects and those procedures that caused the delay and dilatoriness that were its mark and that all but emptied Security Council resolution 986 and the memorandum of understanding of their true content and turned them into something to be exploited for political purposes that bear no relation to any humanitarian objective.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs